

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

RONALD CRENSHAW,
TDCJ-CID #1016590
Plaintiff,

v.

CITY OF CORPUS CHRISTI, et al.,
Defendants.

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Civ. No. CC-08-204

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Plaintiff brings suit under 42 U.S.C. § 1983. The Magistrate Judge's Memorandum and Recommendation to dismiss Plaintiff's case as premature was filed on August 20, 2008. D.E. 12. Plaintiff filed objections on September 5, 2008 D.E. 14. This Court adopted the Magistrate Judge's findings and dismissed Plaintiff's case on October 11, 2008. D.E. 16. Final judgment was entered on the same day. D.E. 17.

Since the dismissal of his case, Plaintiff has filed two motions, both seeking an extension of the time granted to respond to the Court's final order. D.E. 18, D.E. 20. The Magistrate Judge interpreted the first motion as a motion to alter or amend judgment, and considered it under Rule 59(e) of the Federal Rules of Civil Procedure. D.E. 19. Plaintiff had apparently not received the Magistrate Judge's Memorandum and Recommendation on his first motion (D.E. 18) before he filed the second motion. D.E. 22. The Magistrate Judge recommends denying both motions, as Plaintiff has not stated a basis for revisiting the Court's judgment in

this case. D.E. 22. Plaintiff has filed objections to the Magistrate Judge's Memorandum and Recommendation on his second motion. D.E. 25. The objections focus in large part on Plaintiff's reasons for seeking an extension of time and the Magistrate Judge's and Clerk's alleged failure to communicate with the parties in this case. However, nowhere in his objections does Plaintiff raise a new issue of fact or law that would require this Court to reconsider its judgment. The Court still cannot hear Plaintiff's civil rights claims until his conviction is invalidated or dismissed. *Heck v. Humphrey*, 512 U.S. 477, 114 S.Ct. 2364 (1994). Plaintiff has not shown that his conviction is no longer valid, and therefore his civil rights claims are still premature.

Having reviewed de novo the Magistrate Judge's Memorandum and Recommendation, the pleadings on file, and defendant's objections, the Court accepts the Magistrate Judge's recommended decision.

Accordingly, Plaintiff's motions for extension of time (D.E. 18, D.E. 20) are DENIED.

ORDERED this 10 day of April,
2009.


HAYDEN HEAD
CHIEF JUDGE